

**Public Safety Officer Standards and Training Council**  
**Meeting August 21, 2008**  
**8:30 am DCI Building**  
**2225 11th Ave., Helena, MT**

**MEMBERS PRESENT:** Wayne Ternes-POST Director, Winnie Ore-Chair, Deborah Butler, Tony Harbaugh, Bob McCarthy, Dennis McCave, Bonnie Wallem, Ray Murray, Levi Talkington, James Marble, Mike Anderson, Mike Reddick, Tana Meuer

**MEMBERS ABSENT:** Frannie Weeks, Hannah Tillman, Steve Barry

**OTHERS PRESENT:** Truman Tolson, Elsi Arnston, Mike Batista, Vern Burdick, Bob Roosevelt

**I. Meeting called to order** - Winnie Ore, Chair called meeting to order at 8:35am

**II. Introductions:** Wayne Ternes, Winnie Ore, Deborah Butler, Tony Harbaugh, Bob McCarthy, Dennis McCave, Bonnie Willem, Ray Murray, Levi Talkington, James Marble, Mike Anderson, Mike Reddick, Tana Meuer

Introductions of Guests:

Truman Tolson-Missoula PD

Elsi Arnston-State Representative

Mike Batista-DCI

Vern Burdick, Sheriff-Choteau County

Bob Roosevelt-Cascade County Sheriff's Office

**III. Approval of Minutes from the May 15, 2008 meeting**

Motioned to approve – Tony Harbaugh moved to approve May 15, 2008 meeting minutes

Seconded – Bonnie Wallem

Motion carried

**IV. Old Business**

**a. ARM Update**

Wayne stated the notice of the arms have been adopted as of August 1, 2008.

Winnie stated we will be adopting policy and procedures to further define our administrative rules.

**b. EPP request**

Winnie explained that the EPP request had been red lined from the governor's office. We face many problems such as data integrity issues and curriculum review.. our request for additional FTE has been denied so lack of help is of concern.

Winnie may call upon the council to help with portions of these concerns, also, in addition to possibly cutting out something from the budget.

Bob asked if this will be an ongoing problem over the next two years until next legislature.

Winnie explained the concern is actually the time following the legislature because we're looking at a whole 'biennium' that we would have inadequate staffing.

Winnie also explained another way to possibly help with the budget would be for the council to meet more frequently but by phone conference, met-net etc. This will still be financial concerns.

Mike Anderson moved to have Winnie Ore, Chair and Wayne Ternes, Director to schedule a meeting with the Governor's office to discuss POST issues.

Seconded – Ray Murray

Motion carried

**V. Financial Report (Karie Whitlock)**

**2008:** \$87,494 in general fund, and allocated federal forfeiture in the amount of \$62, 250 for a total of \$149,744

There was Surplus of \$16,780.79 the first year primarily due to vacancy savings because Wayne did not start until Aug. 07, and Tana did not come on board until April 08

\* Travel was a high expense area, also legal services were high.

**2009:** Will have full payroll for both staffed positions, but operations is of concern.

There will be about \$15,000 deficit at the end of the second year.

General fund will consist of \$87,856, federal forfeiture in the amount of \$62,250 for a total of \$150,106 to operate POST.

Karie stated that these are 'just' projections and the next meeting will have a better idea of expenditure.

EPP proposal had not been accepted by the Governors' budget office, so the numbers requested can be found on the attachment provided by Karie.

Winnie asked the council to think of what POST could minimally function off so when going forth the governor's office, a suggestion can be made.

Bonnie asked Mike Batista how will the decrease in the 'JAG' money going to affect

DOJ's forfeiture money?

Mike Batista stated that if the BURNS money continues to be reduced, which will continue this year and possibly next year, DOJ's contribution from federal forfeiture money to support the program will be greatly reduced.

Levi asked Wayne approximately how many certificates are issued yearly? This with the idea of possibly charging a price per certificate.

Wayne advised approximately 200 certificates a meeting or about 800 a year.

Tony Harbaugh brought up that this might work for larger agencies, but may cause lack of incentive for smaller agencies

Wayne commented that the only certificate, by law, that has to be produced is the basic certificate.

Wayne reminded everyone that the database maintains approx. 17500+ officers in the database, with about 8000 unassigned which we are in the process of currently cleaning up, leaving about 9500 left to maintain and clean up. There are maybe about 6000 active officers throughout the state including reserve officers, leaving the remainder 3500 "unknown status" officers to clean up.

This is a large abundance of officers for a minimal council to maintain.

**VI. 9:15 New Business - Closed for 'Executive Session' due to the confidential nature of the cases.**

a. Sanders County Issues – Sheriff Gene Arnold, Undersheriff Rube Wrightsman

b. Chouteau County Issues – Sheriff Vern Burdick

**10:15 (11:00) Break**

**10:30 Re-open to Public Attendance**

**11:00 c. Testing Consortium**

Physical fitness standards – James Marble spoke with Kevin Olson regarding concerns that the chiefs had about why the board was not taking on the physical fitness standards;

Two issues of concerns: employment standard and fitness standards

James stated that Kevin Olson is researching what standard to lean toward and hopes POST is on board with the decision he makes.

Winnie expressed that at one time the standards had been in conflict and stated that if you set employment standards, then you must follow thru

with training standards which leads to fitness standards, not to discriminating against genders etc.

James stated Kevin Olson is trying to prevent having “two” standards.

Dennis stated that there is already a fitness training standard in place which was approved for the academy two years ago.

Dennis also commented that if Kevin Olson wanted to adapt the consortiums standards, then he must bring this before the board.

Marble clarified that Kevin Olson had concerns that if MLEA does not adopt the consortiums fitness standards there may be conflict when it comes to passing one standard, and not passing another.

Deborah explained that the standards at the academy were not validated, they were compromised. Agrees that there shouldn't be two standards.

Reddick stated that a small hand full of agencies will have a physical assessment by Stanards and Assoc. to have ONE validated standard and expressed that the academy will be forced to adopt the same.

Harbaugh commented that Kevin Olson will have to come forward the board after making his comparisons of standards

Dennis stated the fitness tests at the academy already had a validate training standard

Discussion held

**Summary;** no action taken per Winnie Ore

Ray asked for clarification of what POST wants as far as “training standards”

Winnie addressed that adopting a training standard and ‘running’ with it is much more detailed than the surface provides because it has such great affect on smaller agencies.

Mark Johnson-Bozeman, stated on behalf of consortium and MACOP;

Noted that this is only what the consortium is considering. They are just advising the council of these options they are looking into and advised the point of adopting an all round training standard is to eliminated age and gender training standards

Winnie sums up with directing the standards committee carry these issues through..

11:30

**d. Prison Rape Elimination Act –PREA requirement updates – Megan Bowker**

Megan provided a handout summarizing PREA: Prison Rape Elimination Act and explained that it does not strictly apply to prison's or rape alone, but any correctional facility; federal, state and county etc..

Megan explained the standards are rather lengthy so they were not provided but stated that they were released for public comment throughout the summer. This time frame had ended, so now the commission will review all the public comments and forward them to the US Attorney General's office. The AG's office has one year to adopt a finalized ruling with these standards. Once they have been adopted, they will become mandatory for all correctional agencies across the United States: state, federal and local.

Megan continued to explain that if even "one" state fails to comply with these standards, the state of Montana could lose 5% of their discretionary funding received by the Federal Government.

Megan expressed that this is a very strict requirement so feels it's important for POST to have an understanding of what these standards require (training standards).

Bob McCarthy asked if there will be any implementing legislation at the state level?

Megan explained that DOC is the only department implementing these Standards

Winnie stated that as a board, there is an obligation in communicating these Standards

Winnie sums up with the suggestion that a committee take on these standards and review them, then come forth with direction how this may effect training with MLEA and in general..

Dennis suggested that rather forming a committee he will take this on under the Curriculum committee, then report back at the next council meeting November 20 2008. He will look at LEOB, CDOB, (all the basic programs) in addition to Regional programs/training.

Wayne commented that the Academy is putting together a training module by Jerry Williams and Glen Stinar who will be doing a 56 county tour this winter and this might be a good opportunity to get this informational piece out there.

Winnie stated no need to take motion.

Winnie suggested for Megan to address the MBCC with this information.

\*These PREA Standards can be found electronically:

## 12:00 Lunch Break

### 12:30 e. Legal Counsel's Report

#### 1. Jacob's case

Deb shared that this case finished up by stipulation. Some language was changed; he wanted to put some 'heart' into it. Deborah asked council to sign a final order, stating the suspension of the respondent certificates on the condition that he agrees not to seek or apply for or accept any position as a peace officer as defined in the statutes from this date (Aug. 21, 08) until Jan. 15, 2010.

If Jacobs should apply for law enforcement employment within the state before 2010 without written notification to POST and a personal appearance before the council, he would not be in compliance with the stipulation, so the board would have the right to revoke him.

Deborah requested a motion to have Chair Winnie Ore to sign off on the Stipulation

Motioned made-Mike Anderson  
Seconded-Bonnie Wallem  
Motion carried

#### 2. Default Hearings update

Has two hearings to present:

1. Becky Whelchel – was a detention/Correction Officer in Lincoln County and was recording the facility on a daily basis. (co-workers, supervisors and administrative personnel etc.) was charged with two counts of privacy of communication, tried by jury, was convicted and appealed to the 19<sup>th</sup> Judicial District and then entered a plea – 2 year deferred sentence for these violations.

It was proposed that POST permanently revoke her certificate and that she immediately surrender her certificate to POST.

Dennis moved to revoke Becky Whelchel's certificate  
Bonnie Wallem seconded  
Motion carried

2. Jason Pitman – was a law enforcement officer employed by Cut Bank PD whom was injured then became addicted to pain killers. Pitman was required to get a drug screening test, tested positive for morphine and oxycodone for which he did not have a prescription.

Then terminated, entered a plea agreement regarding the theft and possession of dangerous drugs, so the case came before the council on a default hearing.

It was proposed that POST permanently revoke his certificate and that he immediately surrender his certificate to POST.

Levi Talkington moved to revoke Jason Pitman's certificate.  
Tony Harbaugh seconded  
Motion carried

1:00            **f.        Legislative '09 Preparation and Planning**

1.    Lobbying

Winnie reminded that "thou shall not lobby".  
If you are a registered lobbyist, you will be removed from the council.

Winnie suggested that Wayne get registered and actually begin lobbying

2.    Contact with Local Legislators

Winnie advised to get to know them, state the facts, but do not start making requests; this begins to lean toward lobbying

3.    Legislative Request

Winnie asked Wayne what legislative requests we had:

Wayne explained the term 'Peace Officer, needs to be changed to "Public Safety Offers".

Wayne placed a call to Larry Jent, who carried the legislation last time out of courtesy to let him know the status of POST and the funding situation.

Wayne commented that if he is going to be sitting in on hearings, he would need direction from the council as to what the council wants to be looking at when the bills come concerning law enforcement and justice etc.

Winnie stated that there will be more conference calls the closer we get to the legislature so we stay up to par

Mike Batista commented that the key part of the support for the budget request is a Legislative budget subcommittee and once this is known, it presents opportunity to get information to people on the subcommittee about the importance and impact.

1:15

**d. POST Director's Report**

**1. Approval of Certification Requests:**

Wayne explained (as seen in the Policy committee report) a resolution for submitting certificate applications is to have a deadline of the 1<sup>st</sup> of each month of the council's quarterly meeting.

Wayne provided handout of the pending list for certificates;

Deborah pointed out that under Detention/Correction Basic cert for Joseph M. Turner was entered twice.

Motioned approved – Mike Anderson (with listed correction made)  
Seconded – Dennis McCave  
Motion carried

**2. Approval of Extension Requests:**

Beaverhead County Sheriff's Office

Scott Kessel – Hire date: 11/08/07

\* Scott had recent injury that dr. won't give written release from unit October so won't be able to make the September Basic course leaving January the next available basic.

Tony Harbaugh motioned  
Mike Anderson seconded  
Motion carried

Gallatin County 911

Rebecca Hegar - Hire Date: 05/06/07

\*this request was initiated due to the delivery of a baby and even after an extension is granted, she will exceed the 180 day.

Deborah checked with Jim Thomas to verify the Public Safety Communicator Course date to see where Rebecca Hegar's extension will fall: 11/9/08-11/14/08

Wayne stated she will exceed the 180 days, but may be placed on other duty.

Deb suggested that the agency be advised of the situation and inform them it would be a liability but leave it up to the agency discretion.



Discussion held

Winnie Ore asked for motion to allow the 180 day extension with a letter to follow.

Bob McCarthy motioned to allow the extension  
Mike Anderson seconded  
Motion carried

3. Approval of Equivalency Requests:

Stillwater County Sheriff's office  
Justin Smith - Hire Date: 05/05/08

Gallatin Field Airport  
Paul St. Aubyn – Hire Date: 06/09/08

Department of Transportation  
Jeffery Lovell – Hire Date: 06/23/08

MSU Billings Police Department  
Susan Fachini – Hire Date: 07/01/08

Rosebud County Sheriff's Office  
Michael Colvin – Hire Date: 06/30/08

\*Michael Colvin's training program meets the requirements, but he had NOT worked 'one' year.  
Had just completed training spring of '08

Looking for exception to the rule that he had not worked the 'one year' requirement of employment but HAS met the training.

Bonnie Wallen motioned to accept the list of equivalency  
Dennis McCave seconded  
Motion carried

4. Revocations/Suspensions Update

No discussion occurred

5. Carbon County request for waiver for Coroner training

Wayne explained the Sheriff of Carbon County is requesting a permanent three year rotation vs. two year rotation. Wayne felt this is out of the scope of the law but wanted to present this to the council.

Harbaugh stated that there is limited Coroner recertification training available, however, yet more stringent continuing education requirement to be coroner than it to be a law enforcement officer.

Discussion held about Coroner training being held twice a year provided through MLEA, however also provided elsewhere also (if the instructor seeks post credit for the course)

Winnie felt no motion necessary, but suggested to Wayne to write a letter to Sheriff Rieger.

6. Discussion Points

i. Pre-approved Training Courses.

Wayne will bring forward the council canned courses – few at a time to have the board approve them for post credit, thus the instructor will only have to submit the course application each time, not the course curriculum.

ii. Data Base work/Hiring of Temp

Wayne explained the entry integrity and the process of cleaning the database.

Wayne advised that we are currently working with the Secretary of State, Records and Information management, Patty Borsberry on office records retention.

Wayne explained that we received a temp at not cost from Dept. of Justice (thru the Veteran's program) to help us with our records purging as a temporary project. This has been very helpful.

iii. Requirements for initial hiring age and training, continual education and re-certification of public safety officers.

Wayne stated the State law says the hiring age is 18 and feels the council may want to look at that in the future.

Wayne suggested that there be in place an initial training requirement for new officers to complete while in the waiting process of attending the MLEA.

Wayne commented that ND requires 64 hrs of continual POST credit training every two years.

- iv. Issues raised about Coroner training from a citizen.

Wayne explained concerns of adequacy of training of coroners stated by Vicki Taylor, Las Vegas, NV, the sister-in-law of a deceased officer out of Ravalli County.

Vicki brings up issues that coroner training does not meet national standards.

Wayne stated that there are no set standards.

Vicki wanted the records to state the death of her brother-in-law was an accident NOT suicide. She feels the coroner was inadequately trained and is in the process of suing the county

Discussion was held

Summary

Wayne is suggested to advise Vicki by letter that the council hears her concerns and that no action will take place until after the legal issues are final.

Conference call scheduled will soon follow to discuss further direction.

1:45 e. **Committee Reports 3:10**

Wayne provided handout with a list all the committees and their members:

Professionalism and Integrity Committee: Dan Burger – unknown as to who he is – removed from committee, also Terry Jess – Dennis mentioned he is probably Terry Jesse from Billings who is a retired deputy and also with the Mental Health

Curriculum committee – removed Ken Breidenbach and replaced with Greg Watson

Bonnie asked to be added to the Curriculum Committee..

Winnie suggested that the committee members spread their passion thinly so everyone gets a share of the work and not the overload.

Bonnie was added to the curriculum committee

Dennis suggested that the committee chairs have access or the availability to set up conference calls.

Winnie suggested checking into “Go-To-Meeting” as a benefit for conference calls. This technology allows documents to be visualized on a computer. She will check into the yearly cost and sharing of the license etc.

Bob McCarthy volunteered to be on the Policy Committee  
Also volunteered for the Reserve Officer Committee

Levi Talkington volunteered to be on the Policy Committee

1. Curriculum Committee – Dennis McCave

Dennis advised that he does not have the lesson plan, but explained that the Correction/Detention curriculum committee is going to gather at the academy October 6-9, 2008 for 4 day session.

Dennis suggested reconvening the meeting November or early December so Richard Gather from NIC could take part in the curriculum writing as a technical assistant.

Kevin stated he doesn’t plan to move into the law enforcement curriculum until next year.

Kevin explained that the topic matter for Law Enforcement is not going to change, but the method of delivery will change substantially.

Winnie would like monthly planning to continue and the committee chair to write up outline/update after each meeting and send it out to all the members so we have records of what’s going on.

Wayne mentioned that probation and parole is in the process of writing their curriculum

2. Business Plan Committee – Steve Barry

Steve Barry is absent, but Winnie Ore mentioned they met, but there was nothing to report.

3. Integrity and Professional Standards Committee –Bonnie Wallem and Levi Talkington

Bonnie requested from Tana and Wayne a list of POST members containing, names, phone numbers, mailing and email addresses.

Bonnie talked about the survey and its results. Commented she is very disappointed in the result.

Bonnie explained the variation of results from the different sizes of agencies and had concerns that the field is very confused.

Bonnie would like to mail this survey out to all agencies and about 5 staffed members to complete this.

Winnie suggested Survey Monkey which is an electronic survey system. It allows the ability to build any type or style survey. This would eliminate mailings by accessing a link electronically.

James suggested an educational cover letter explaining the content and purpose of the survey.

Kevin suggested asking how many years of service they had and the question WHEN they attended the academy?

Discussion held

**\*\*Deb had concerns of integrity issues and hiring 18 yr olds with minimal ethical judgment and questionable maturity levels.**

#### 4. Policy Committee – Bonnie Wallem

Bonnie advised that two resolutions had been written;

- 08-001: Setting the criteria for education and training hour calculation for Public Safety Officer Certification

Categories were created allowing no more than 25% in any one of the following categories:

Leadership/Management  
Communication  
Use of Force  
General Public Safety Officer  
College/Military  
Traffic  
Investigation

Kevin suggested to change the category of ‘communication’ to: Communication/Human behavior.

Wayne will change that.

The Board and public all agreed and like this policy.

James expressed concerns that the officer might utilize these categories for additional training, leaving a department short handed.

Ray Murray brings up the discussion from the Policy and Procedure committee meeting concerning perishable skills and Maximum time on hours.

Bonnie motioned to move forward with this resolution after the change from category 'communications' to communication/human behavior

Ray Murray seconded

Motion carried

- Resolution 08-002: Setting the requirements for Reserve Officers

Wayne reminded everyone that POST now oversees reserve officers and feels this new resolution will be a good reminder to agencies.

Wayne also added into the resolution that when a reserve is appointed, a Employment Status Form needs to be submitted within 10 days.

Wayne also discussed that the board is not ready to introduce a curriculum to agencies so the resolution stated that agencies are responsible for the training of reserve officers, and the training must be completed within 2 years of the initial hire date and consist of the specified minimum training.

Anderson motioned to move forward with resolution 08-002

Tony Harbaugh seconded

Motion moved

## 5. Reserve Officer Program – James Marble

James explained the an interoffice person had been delegated to gather curriculum and get a mass mailing issued out, but a question arises of who will pay for it.

Wayne requested the letter be sent to POST and postage/mailing will be taken care of.

Winnie states that it's very unlikely that there is written curriculum for reserve officers!

James stated he will have a deadline soon enough to have gathered information in order to provide it by the next post meeting.

Tony Harbuagh suggested to seek the curriculum from Dawson Community College as well.

**2:45 Break**

**3:00 f. MLEA Report**

1. Mr. Kevin Olson – overview of MLEA

Curriculum Update –

Kevin felt Dennis McCave covered it very well.

Revamping EQ course –

Kevin explained that a new on-line program will be utilized at no cost (vs. the continuation of ‘e-College’ at \$40 ) And will offer 2 – 1 week course (May and November) and once registered, a manual will be provided with specific instructions of how to log into their web based course. Then the student will come to attend one of the two course dates.

Kevin stated the curriculum will be brought to POST at the next meeting in November. (possibly February)

Coroner Training –

Kevin explained that Coroner training used to be held every other year right after election, but found that to be problematic because the academy does not have a big enough facility to accommodate that many people at once. Now the course is offered every year and still accommodating approximately 50-60 people.

Kevin suggested having POST accredit a curriculum for the Basic Coroner training and the academy will continue to do the training.

Kevin thought a discipline specific committee should be created to say what should 40 hours of training involve.

Kevin explained the construction process of the new building on campus should be breaking ground this fall and toward the end of 2009/beginning of 2010 for occupancy.

Kevin also stated Attorney General McGrath put in a long range building plan for a new 70 person dorm building, which would

eventually involve more staff: another trainer, clerical position, custodian/maintenance person.

Kevin shared that last year about \$25,000 was invested in recording equipment to run real clips for training.

Physical Fitness – Sept. 8<sup>th</sup>, Kevin Olson will be dispatching a few people to go to Salem OR. to look at their fitness facility hoping to move forward with working side by side with the Consortium to create a validated test and at the same time have something validated for the academy.

Mental illness – holding a crisis intervention team in Missoula and Glendive. Also in the fall will be holding 7 Mental Illness Intervention courses offered to all Adult Probation and Parole Officers in addition to as many Law Enforcement Officers as possible.

Kevin expressed that there are two courses traditionally held at the academy; Adult Probation and Parole and Motor Carrier Services, and stated the academy really doesn't have any hands-on with them but feels both POST and the academy should get more involved.

Motor Carrier Services had abandoned their basic program as they had rolled into the Law Enforcement Program. However, this could come back in the future as their own program. Kevin showed concern over the topic matter.

Kevin explained that Probation and Parole officers are seeking additional training but don't qualify for the law enforcement training, so this AP&P course could be a good model that could cover all the basics of Probation and Parole supervision and expand for the Corrections also.

Wayne commented that in definition 44-4-401 it states that a 'Probation and Parole Officer employed by the Department of Corrections'; POST does not have jurisdiction of misdemeanor probation, but this does not mean training shouldn't exist.

Discussion held about P&P

Kevin stated the academy had finally reached their saturation point. Basically taxed on any additional training. Finding trainers for additional training will become impossible due to time availability. Kevin also added that the academy will have to make the LEOB (Law Enforcement Officer Basic) into a 13 week course possibly 14 weeks in the near future.

Also 4 weeks for CDOB (Correction/Detention Officer Basic Course) and feels they will still be two weeks shy of where they really need to be.



PSC (Public Safety Communicators Course) in only a 40 hour course.

Turned down approximately 174 law enforcement officers this last year.

Wayne will contact the key people to begin the process of core subjects for the Coroner training.

Deb advised that approximately three years ago, a 'DACUM' curriculum was written for the Coroner training so she was asked to locate it to help with the beginning process.

Tony Harbaugh offered to be a sub to the Curriculum Committee To help write curriculum for the coroner basic.

Wayne, Deborah, and Derek also volunteered to help write curriculum for Coroner training.

## **VII. 3:30 Council Member Report**

Mike Reddick had no report

Dennis McCave stated training went well

Bob McCarthy commented the meeting in Red Lodge was good and with great attendance

Tony Harbaugh stated that with Pine Hills School located in Miles City, he had historically hired detention officers from Pine Hills facility as 'fill-in' in his jail, but now they are certified as Juvenile Detention Officer and not Adult Correction/Detention officers and Tony assured them he would discuss what it might take for them to qualify for some sort of EQ, or cross certify.

Winnie stated it is important to get a group together to look at Equivalency.

Deborah commented that there is already an Equivalency process for CDOB, so it would only be a matter of comparing to Juvenile Correction/Detention to see how equivalent it is to CDOB and allow them to attend the EQ training.

Wayne Ternes will compare both the JCDOB and CDOB curriculums.

Deborah Butler had no report

Winnie Ore had no report

..Wayne provided handout regarding the City of Poplar Police Department which will be covered over a conference call after the board had time to review it.

James Marble stated concerns over physical fitness standards and feels it can/should be a training standard, NOT an employment standard.

Ray Murray had no report

Bonnie Wallem had no report

Mike Anderson stated there is an annual retreat coming up.

**VIII. 4:15 Public Comments**

No public comments

**VIX. 4:30 Winnie motioned to adjourn meeting  
Seconded – Mike Anderson  
Motion carried**

**\* Executive Sessions are closed to the Public in order to protect the privacy rights of individuals.**